

FILED

NOV 16 2009

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN THE MATTER OF:

No CV-09-80204 MISC VRW

David Allen Malmuth,

ORDER

State Bar No 61992

On September 1, 2009, the court issued an order to show cause (OSC) why David Allen Malmuth should not be removed from the roll of attorneys authorized to practice law before this court, based upon his inactive enrollment as a member of the State Bar of California pursuant to Rule 9.31, effective July 1, 2009.

The OSC was mailed to Mr. Malmuth's address of record with the State Bar on September 2, 2009. It was returned by the post office as undeliverable. A written response was due on or before October 1, 2009. No response to the OSC has been filed as of this date.

The court now orders David Allen Malmuth removed from the roll of attorneys authorized to practice before this court. The clerk is directed to close the file.

IT IS SO ORDERED.


VAUGHN R WALKER
United States District Chief Judge

**United States District Court
For the Northern District of California**

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

In the Matter of:

David Allen Malmuth,

Case Number: CV-09-80204 VRW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Allen Malmuth
1099 Homestead Avenue
Walnut Creek, CA 94598

Dated: November 16, 2009

Richard W. Wieking, Clerk
By: Cora Klein, Deputy Clerk

Cora Klein